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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,552	06/25/2001	Gerald Lucovsky	5347-208	1878

20792 7590 08/26/2003

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EXAMINER

WILSON, ALLAN R

ART UNIT PAPER NUMBER

2815

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,552

Applicant(s)

LUCOVSKY ET AL.

Examiner

Allan R. Wilson

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 11-26 and 34-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 11-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 34, 39-42, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 25, 26, 35-38 and 43-46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

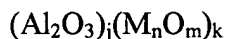
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24 and 47 are rejected under 35 USC § 102(b) as being anticipated by Friz.

With regards to claim 24, Friz discloses in col. 1, line 1 through col. 6, lines 20 (entire document), a non-crystalline oxide represented by the formula (I):



wherein Al is aluminum, O is oxygen, M is the element lanthanum (La); and represented by the formula $La_{1-x}Al_{1+x}O_3$ where $x = 0$ to 0.84 or, as in example 1 (col. 4, lines 9-17), $La_{0.5}Al_{1.5}O_3$ where $x = 0.5$, or $La_2Al_6O_{12}$ which is same as $(Al_2O_3)_3(La_2O_3)$ where j is about 3, k is equal to about 1; n is about 2, and m is about 3.

With regards to claim 47, Friz discloses in col. 1, line 1 through col. 6, lines 20 (entire document) a non-crystalline oxide represented by the formula $La_{1-x}Al_{1+x}O_3$ where $x = 0$ to 0.84 or $La_{0.5}Al_{1.5}O_3$ where $x = 0.5$ (col. 4, lines 9-17), or $La_2Al_6O_{12}$ which is same as $(Al_2O_3)_3(La_2O_3)$.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 39-42 and 48 are rejected under 35 USC § 103 (a) as being unpatentable over Friz as applied to claim 24 and 47 above, and further in view of Ma et al. ("Ma"). Friz is discussed above, it does not show an integrated circuit. Ma illustrates in figures 2-8 an integrated circuit with multilayer dielectric stack. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the vapor deposition oxide of Friz in an integrated circuit since it has a uniform coating with a homogeneous composition (Friz col. 2, lines 30-37).

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Allowable Subject Matter

Claims 25, 26, 35-38 and 43-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hashimoto et al. discloses La oxide films.

Any inquiry concerning this communication or earlier communications from an examiner should be directed to Primary Examiner Allan Wilson whose telephone number is (703) 305-3490. If the Examiner can not be reached, call Supervisory Patent Examiner Eddie Lee whose telephone number is (703) 308-1690. Examiner Wilson can normally be reached 7:30-4:00 Monday-Thursday and 7:30-3:00 every other Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at telephone number (703) 308-0956. The fax numbers for Group 2800 are (703) 305-3432, 308-7722 and 308-7724.



Allan R. Wilson
Primary Examiner
25 August 2003